

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FRANK LABUZ and HARRIET LABUZ,

Plaintiffs,

v.

CASCADES DIAMOND, INC.,

Defendant.

CIVIL ACTION NO. 04-30036-KPN

DEFENDANT'S MOTION TO EXTEND TIME FOR FILING RESPONSE TO
PLAINTIFFS' MOTION TO CONVERT DEFENDANT'S MOTION TO DISMISS INTO A
MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS

Now comes the Defendant in the above captioned case and hereby requests this Honorable Court for an additional 11 days in which to respond to "Plaintiffs' Motion to Convert Defendant's Motion to Dismiss into a Motion for Summary Judgment or in the Alternative Opposition to Defendant's Motion to Dismiss." As reasons for said extension, Defendant's counsel states that she was unavailable and out of the office from the date Plaintiff's motion was served until June 1, 2004. Plaintiff's counsel was aware of this fact and assented in advance to Defendant's extension to file its opposition. See attached Exhibit A. Therefore, Defendant requests an additional 11 days or until June 15, 2004 to file its response.

Counsel for Plaintiffs has assented to this request.

Respectfully Submitted,

THE DEFENDANT
Cascades Diamond, Inc.
By its attorneys,
Sullivan, Hayes & Quinn,

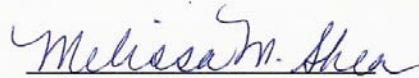


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Dated this 2nd day of June, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mailing a copy thereof, postage prepaid to John Connor, Esq., Moriarty and Connor, LLC, 101 State Street, Suite 501, Springfield, MA 01103 on June 2, 2004.



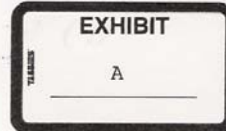
Melissa M. Shea, Esq.

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May 14, 2004

John D. Connor, Esq.
101 State Street, Suite 501
Springfield, MA 01103-2070

Re: Frank and Harriet Labuz v. Cascades Diamond, Inc.
U.S. District Court, Civil Action No. 04-30036-KPN

Dear John:

This letter confirms our conversation yesterday afternoon assenting to your request for an extension until next Friday, May 21st to file your client's opposition to Cascades Diamond's Motion to Dismiss. This also serves as a reminder that I will be out of town and unavailable from May 22 - 29.

Very truly yours,

SULLIVAN, HAYES & QUINN

A handwritten signature in cursive script that reads "Melissa M. Shea".

Melissa M. Shea, Esq.

MMS/ljb